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January 3, 2003

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JAN -6 2003

**BY HAND DELIVERY**

Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 12th Street, NW  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: Notification of *Ex Parte* Communication  
MB Docket No. 02-230**

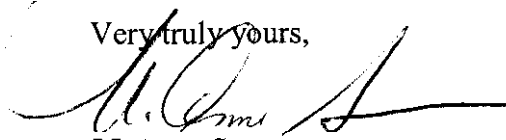
Dear Ms. Dortch:

This is to advise you, in accordance with Section 1.1206 of the FCC's rules, that Emery Simon of the Business Software Alliance, James M. Burger of this firm, and I met on January 3, 2003 with Dr. Robert Pepper and Amy Nathan, Esquire, of the Office of Plans and Policy.

The discussion involved the Notice of Proposed Rulemaking, released on August 9, 2002, in the above-referenced docket and many of the questions noted therein. Among the specific items under discussion were jurisdictional issues; the FCC's treatment of digital rights management in the cable television and satellite video context; the computer industry's concern over the need for use of a "broadcast flag" and the difficulties the FCC will have in defining the appropriate scope of protection; the computer industry's interest in seeing the FCC do no more than adopt functional specifications for the embedding and detecting of a "broadcast flag"; and the computer industry's preference for encryption at the source of broadcast transmissions.

As required by section 1.1206(b), two copies of this letter are being submitted in the above-referenced docket.

Very truly yours,



M. Anne Swanson

cc (by hand delivery):  
Dr. Robert Pepper  
Amy Nathan, Esquire

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